

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : STARR et al.
Appln. No. : Not Yet Assigned (CON of Appln No. 10/172,271)
Conf. No.: : Unknown
Filed: : January 23, 2004
Title: : METHOD AND APPARATUS FOR DETERMINING CARDIAC
OUTPUT
Group Art Unit : Unknown
Examiner : Unknown
Docket No. : 98-39 C2

* * * * *

January 23, 2004

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents
and Trademarks
Alexandria, VA 22313-1450

Sir:

Attached is a Form PTO-1449 listing the enclosed documents.

This Information Disclosure Statement is being filed within 3 months of the filing date of this application.

Any copy of the items listed on the enclosed Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in Application Nos. 10/172,271 and 09/691,592, filed June 14, 2002 and

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on January 23, 2004 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Michael W. Haas, Reg. No. 35,174

STARR et al. -- Appln. No.: (CON of Appln No. 10/172,271)

October 18, 2000, respectively, of which the present application relies upon for an earlier filing dated under 35 U.S.C. § 120. Therefore, no such copy is required to be submitted by the applicant with this Information Disclosure Statement per 37 C.F.R. § 1.98(d).

This Information Disclosure Statement is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully.

Consideration of the foregoing and enclosures plus the return of a copy of the herewith Form PTO-1449 with the Examiner's initials in the left column per M.P.E.P. § 609 along with an early action on the merits of this application are earnestly solicited.

Respectfully submitted,

By Michael W. Haas

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Reg. No.: 35,174

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1-800-638-8208

PTO/SB/08 Form (RESPIRONICS Version) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application No.	Not Yet Assigned
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Sheet	1	of	4	Attorney Docket No:	98-39 C2

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	U.S. Patent Document		Name of Patentee	Publication Date MM-DD-YYYY	Relevant Pages, Columns, Lines
		Number	Kind Code			
	A	5,494,031		Hoefl	02/1996	
	B	5,505,209		Reining	04/1996	
	C	5,971,934		Scherer et al.	10/1999	
	D	6,071,244		Band et al.	06/2000	
	E	6,106,480		Gama De Abreu et al.	08/2000	
	F	6,098,622		Nobile et al.	08/2000	
	G	6,099,481		Daniels	08/2000	
	H	6,162,180		Miesel et al.	12/2000	
	I	6,186,955		Baura	02/2001	
	J	6,186,956		McNamee	02/2001	
	K	6,200,271		Kuck et al.	03/2001	
	L	6,210,342		Kuck et al.	04/2001	
	M	6,217,524		Orr et al.	04/2001	
	N	6,227,196		Jaffe et al.	05/2001	
	O	6,413,226		Starr et al.	07/02/2002	
	P	6,238,351		Orr et al.	05/2001	

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No.	Foreign Patent Document			Patentee or Applicant	Publication Date MM-DD-YYY	Relevant Pages, Columns, Lines	T
		Office	Number	Kind Code				
	Q							
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	S							
	T							
	U							
	V							
	W							
	X							

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EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP § 609. Draw a line through the citation if not in conformance and not considered. Per MPEP § 609, include a copy of this form with the next communication to the Applicant.

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Examiner Initials	Cite No.	U.S. Patent Document		Name of Patentee	Publication Date MM-DD-YYYY	Relevant Pages, Columns, Lines
		Number	Kind Code			
	A	6,241,681		Haryadi et al.	06/2001	
	B	6,251,082		Rayburn	06/2001	
	C	6,258,038		Haryadi et al.	07/2001	
	D	6,406,435		Mault	06-18-2002	
	E	6,402,697		Calkins et al.	06-11-2002	
	F	6,517,496		Mault	02-11-2003	
	G					
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FOREIGN PATENT DOCUMENTS								
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Sheet	3	of	4	Attorney Docket No:	98-39 C2

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
	Y	NOVAMETRIX MEDICAL SYSTEMS, INC., Technical Bulletin: Non-Invasive Cardiac Output (NICO), "Principles of Operation", 1998	
	Z	NOVAMETRIX MEDICAL SYSTEMS, INC., Non-Invasive Cardiac Output (NICO), "Technology Review", 1999	
	AA	CAPEK et al., "Non-Invasive Measurement of Cardiac Output Using Partial CO2 Rebreathing", IEEE, 1998	
	BB	JAFFE, M.B., "Performance of a New "REBREATHING" Valve For Non-Invasive Cardiac Output Estimation", Novamatrix Medical Systems	
	CC	ORR et al., "Clinical Validation of a New Non-Invasive Breath to Breath Fick Method for Cardiac Output Estimation", Novamatrix Medical Systems, Inc.	
	DD	HARYADI et al., "Influence of Error in Estimation of Intrapulmonary Shunt on the Measurement of Cardiac Output Using Rebreathing Techniques", University of Utah	
	EE	HARYADI et al., "Limited Reproducibility of Thermodilution Hampers Evaluation of New Cardiac Output Monitoring Devices", University of Utah	
	FF	HARYADI et al., "Clinical Evaluation of Partial CO2 Rebreathing Fick Technique for Non-Invasive Measurement of Cardiac Output", University of Utah	
	GG	NOVAMETRIX MEDICAL SYSTEMS, INC., "NICO Measures Cardiac Output Non-Invasively Through Respiratory Gas Analysis, Using A Partial CO2 Rebreathing Technique", Non-Invasive Cardiac Output (NICO)	
	HH	JAFFE, M.B., "Partial Rebreathing Cardiac Output Overview", Novamatrix Medical Systems, Inc., 1998	
	II	JAFFE, M.B., "Development and Testing of a Cardiopulmonary Profile Monitor", Novamatrix Medical Systems, Technical Report 9208 Rev. 00	
	JJ	GEDEON et al., "A New Method for Non-Invasive Bedside Determination of Pulmonary Blood Flow", Medical & Biological Engineering & Computing, July 1980	

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	Y	GEDDES et al., Principles of Applied Biomedical Instrumentation, 1968, USA	
	Z		
	AA		
	BB		
	CC		
	DD		
	EE		
	FF		
	GG		
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